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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JUN -2 AM 11: 14

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose TREJON-Gonzalez,

Defendant

Magistrate Docket No.

'08 MJ 1732

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Attempted Entry After
Deportation

The undersigned complainant, being duly sworn, states:

On or about **May 30, 2008** within the Southern District of California, defendant, **Jose TREJON-Gonzalez,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose, i.e. conscious desire, to enter the United States at or near the Tecate, California Port of Entry, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 2nd of **JUNE, 2008**

Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Jose TREJON-Gonzalez

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On May 30, 2008 at approximately 10:30 P.M., Agent Alcaraz and Agent Williams were notified by the night vision scope operator that a group of six possible illegal aliens were walking north from Old Highway 80 near mile marker 38, north of O'Neal Valley. O'Neal Valley is directly north of the United States/Mexico International Border and approximately 29 miles east of the Tecate, California Port of Entry. Agent Alcaraz and Agent Williams responded to the area where the group was observed. As the Agents approached the group, one of the individuals in the group immediately ran south towards Mexico. Agent Williams followed the absconding suspect; Agent Alcaraz approached the main group of suspected illegal aliens, identified himself as a United States Border Patrol Agent and performed an immigration check of all individuals. Each suspect admitted individually to being a citizen and national of Mexico, illegally present in the United States with no immigration documents to enter, be in or remain in the United States legally. Several minutes later, Agent Williams was able to locate the suspect that absconded. Agent Williams identified himself as a United States Border Patrol Agent and performed an immigration check on the suspect who was later identified as the defendant **Jose TREJON-Gonzalez**. The defendant admitted to being a citizen of Mexico illegally present in the United States with no immigration documents to enter, be in or remain in the United States legally. At 10:45 P.M., all suspects were arrested and transported to the Border Patrol Station for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **February 23, 2008** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was provided his Miranda rights advisement and stated that he understood his rights and was willing to give a statement without an attorney present. This was witnessed by Border Patrol Agent Williams.

Executed on June 1, 2008 at 10:00.

Tomas M. Jimenez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **May 30, 2008** in violation of Title **8**, United States Code, Section **1326**.

Leo S. Papas
United States Magistrate Judge

6/1/08 - 10:35
Date/Time